

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**KEVIN J. YALE,**

**Defendant.**

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**8:05CR191**

**ORDER CONTINUING TRIAL**

This matter is before the court on the government's motion to continue trial (#31), which is now set for August 15, 2005. For good cause shown, trial of this matter will be continued to the next available setting, i.e., September 13, 2005.

**IT IS ORDERED** that defendant's MOTION TO CONTINUE TRIAL (#31) is granted, as follows:

1. The trial of this case is continued to **Tuesday, September 13, 2005** before Judge Laurie Smith Camp and a jury.

2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **August 15, 2005 and September 13, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to defense counsel's scheduling conflict. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. Counsel for the United States shall confer with defense counsel and electronically file a status report no later than **September 1, 2005** advising the court of the anticipated length of trial.

**DATED August 8, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**